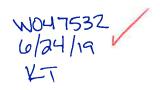
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## Attorneys for Protestants

Ballentyne Ditch Company, Canyon County Water Company, Eureka Water Company, Farmers' Co-operative Ditch Company, Middleton Mill Ditch Company, Middleton Irrigation Association, Inc., Nampa & Meridian Irrigation District, New Dry Creek Ditch Company, Pioneer Ditch Company, Settlers Irrigation District, South Boise Water Company, and Thurman Mill Ditch Company

# BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 63-34652 IN THE NAME OF CAT CREEK ENERGY, LLC

#### NOTICE OF PROTEST

COMES NOW, Ballentyne Ditch Company, Canyon County Water Company, Eureka Water Company, Farmers' Co-operative Ditch Company, Middleton Mill Ditch Company, Middleton Irrigation Association, Inc., Nampa & Meridian Irrigation District, New Dry Creek Ditch Company, Pioneer Ditch Company, Settlers Irrigation District, South Boise Water Company, and Thurman Mill Ditch Company (collectively, the "Protestants"), by and through their attorneys of record Sawtooth Law Offices, PLLC, hereby file this Notice of Protest to Application for Permit No. 63-34652 ("Application"), filed in the name of Cat Creek Energy, LLC.

<sup>&</sup>lt;sup>1</sup> Protestants advise, for purposes of service of documents in this matter, that multiple sets are not required, and request that a single set of service documents be provided to Sawtooth Law Offices.

The bases for the Protest are:

- 1. The Application will cause injury to existing water rights, specifically those of the Protestants.
- 2. The Application is contrary to, or may conflict with Idaho Code Section 42-203A(5), subsections (a) through (f).
- 3. For such other and further reasons as may be set forth at the hearing on this matter.

### RELIEF REQUESTED

The Protestants respectfully request that for the above listed reasons, proposed Application for Permit No. 63-34652 be denied in all respects. In the alternative, the Protestants respectfully request that any approval of Application for Permit No. 63-34652 be conditioned upon complete protection of the Protestants' existing water rights.

DATED this 24 day of June, 2019.

SAWTOOTH LAW OFFICES, PLLC

S. Bryce Farris

Attorneys for Protestants Ballentyne Ditch Company, Canyon County Water Company, Eureka Water Company, Farmers' Co-operative Ditch Company, Middleton Mill Ditch Company, Middleton Irrigation Association, Inc., Nampa & Meridian Irrigation District, New Dry Creek Ditch Company, Pioneer Ditch Company, Settlers Irrigation District, South Boise Water Company, and Thurman Mill Ditch Company

# CERTIFICATE OF SERVICE

| I HEREBY CERTIFY that on this day of June, 2019, I caused a true and correct copy of the foregoing <b>NOTICE OF PROTEST</b> to be served by the method indicated below, and addressed to the following: |  |
|---|--|
| Cat Creek Energy, LLC<br>398 9 <sup>th</sup> Street, Suite 240<br>Boise, ID 83702<br>T (406) 459-3013   | <ul><li>(X) U.S. Mail, Postage Prepaid</li><li>( ) Hand Delivered</li><li>( ) Overnight Mail</li><li>( ) Facsimile</li><li>( ) Email</li></ul> |
| Idaho Water Engineering Attn: David R. Tuthill Jr. 2918 N. El Rancho Place Boise, ID 83704 T (208) 378-15130  | (X) U.S. Mail, Postage Prepaid ( ) Hand Delivered ( ) Overnight Mail ( ) Facsimile ( ) Email  S. Bryce Farris                                  |